

109TH CONGRESS
2D SESSION

S. 3491

To establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2006

Mr. VOINOVICH introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing America’s
5 Future Economy Commission Act” or “SAFE Commis-
6 sion Act”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 “Securing America’s Future Economy Commission”
4 (hereinafter in this Act referred to as the “Commission”).

5 **SEC. 3. DUTIES OF COMMISSION.**

6 (a) MANDATORY LEGISLATION DEVELOPMENT.—

7 (1) ISSUES TO ADDRESS.—The Commission
8 shall examine the long-term fiscal challenges facing
9 the United States and develop legislation designed to
10 address the following issues:

11 (A) The unsustainable imbalance between
12 long-term Federal spending commitments and
13 projected revenues.

14 (B) Increasing net national savings to pro-
15 vide for domestic investment and economic
16 growth.

17 (C) Improving the budget process to place
18 greater emphasis on long-term fiscal issues.

19 (2) POLICY SOLUTIONS.—Legislation developed
20 to address the issues described in paragraph (1) may
21 include the following:

22 (A) Reforms that limit the growth of enti-
23 tlement spending to ensure that the programs
24 are fiscally sustainable.

25 (B) Reforms that strengthen the safety net
26 functions of entitlement programs.

1 (C) Reforms that make United States tax
 2 laws more efficient and more conducive to en-
 3 couraging economic growth.

4 (D) Incentives to increase private savings.

5 (E) Automatic stabilizers or triggers to en-
 6 force spending and revenue targets.

7 (F) Any other reforms designed to address
 8 the issues described in paragraph (1).

9 (b) OPTIONAL DEVELOPMENT OF COST ESTIMATE
 10 ALTERNATIVES.—The Commission shall by an affirmative
 11 vote of 5 members develop not more than 2 methods for
 12 estimating the cost of legislation as an alternative to the
 13 method currently used by the Congressional Budget Of-
 14 fice. Any such alternative method must be designed to ad-
 15 dress any shortcomings in the method currently used with
 16 regard to estimating the positive economic effects of legis-
 17 lation.

18 **SEC. 4. INITIAL TOWN-HALL STYLE PUBLIC HEARINGS.**

19 (a) IN GENERAL.—The Commission shall hold at
 20 least 1 town-hall style public hearing within each Federal
 21 reserve district, and shall, to the extent feasible, ensure
 22 that there is broad public participation in the hearings.

23 (b) HEARING FORMAT.—During each hearing, the
 24 Commission shall present to the public, and generate com-
 25 ments and suggestions regarding, the issues described in

1 section 3, policies designed to address those issues, and
2 tradeoffs between such policies.

3 **SEC. 5. REPORT.**

4 The Commission shall, not later than 1 year after the
5 date of enactment of this Act, submit a report to Congress
6 and the President containing the following:

7 (1) A detailed description of the long-term fis-
8 cal problems faced by the United States.

9 (2) A list of policy options for addressing those
10 problems.

11 (3) A summary of comments and suggestions
12 generated from the town-hall style public hearings.

13 (4) A detailed statement of any findings of the
14 Commission as to public preferences regarding the
15 issues, policies, and tradeoffs presented in the town-
16 hall style public hearings.

17 (5) Criteria for the legislative proposal to be de-
18 veloped by the Commission.

19 (6) A detailed description of the other activities
20 of the Commission.

21 **SEC. 6. LEGISLATIVE PROPOSAL.**

22 (a) IN GENERAL.—Not later than 60 days after the
23 date the report is submitted under section 5 and by a vote
24 of $\frac{2}{3}$ of the members, the Commission shall submit a legis-

1 lative proposal to Congress and the President designed to
 2 address the issues described section 3.

3 (b) PROPOSAL REQUIREMENTS.—The proposal must,
 4 to the extent feasible, be designed—

5 (1) to achieve generational equity and long-term
 6 economic stability;

7 (2) to address the comments and suggestions of
 8 the public; and

9 (3) to meet the criteria set forth in the Com-
 10 mission report.

11 (c) INCLUSION OF COST ESTIMATE.—The Commis-
 12 sion shall submit with the proposal—

13 (1) a long-term CBO cost estimate prepared
 14 under section 14 for the proposal; and

15 (2) if an alternative cost estimate method is de-
 16 veloped by the Commission, a 50-year cost estimate
 17 using such method.

18 **SEC. 7. MEMBERSHIP AND MEETINGS.**

19 (a) IN GENERAL.—The Commission shall be com-
 20 posed of 15 voting members appointed pursuant to para-
 21 graph (1) and 2 nonvoting members described in para-
 22 graph (2).

23 (1) VOTING MEMBERS.—The 15 voting mem-
 24 bers of the Commission shall be appointed as fol-
 25 lows:

1 (A) The President shall appoint 3 mem-
2 bers, one of whom the President shall appoint
3 as chairperson of the Commission.

4 (B) The Majority Leader of the Senate
5 shall appoint 3 members.

6 (C) The Minority Leader of the Senate
7 shall appoint 3 members.

8 (D) The Speaker of the House of Rep-
9 resentatives shall appoint 3 members.

10 (E) The Minority Leader of the House of
11 Representatives shall appoint 3 members.

12 (2) NONVOTING MEMBERS.—The Comptroller
13 General of the United States and the Director of the
14 Congressional Budget Office shall each be nonvoting
15 members of the Commission and shall advise and as-
16 sist at the request of the Commission.

17 (b) LIMITATION AS TO MEMBERS OF CONGRESS.—
18 Each appointing authority described in subsection (a)(1)
19 who is a Member of Congress may appoint not more than
20 1 Member of Congress to the Commission.

21 (c) DATE FOR ORIGINAL APPOINTMENT.—The ap-
22 pointing authorities described in subsection (a)(1) shall
23 appoint the initial members of the Commission not later
24 than 30 days after the date of enactment of this Act.

25 (d) TERMS.—

1 (1) IN GENERAL.—The term of each member is
2 for the life of the Commission.

3 (2) VACANCIES.—A vacancy in the Commission
4 shall be filled not later than 30 days after the date
5 on which the vacancy occurs and in the manner in
6 which the original appointment was made.

7 (e) PAY AND REIMBURSEMENT.—

8 (1) NO COMPENSATION FOR MEMBERS OF COM-
9 MISSION.—Except as provided in paragraph (2), a
10 member of the Commission may not receive pay, al-
11 lowances, or benefits by reason of their service on
12 the Commission.

13 (2) TRAVEL EXPENSES.—Each member shall
14 receive travel expenses, including per diem in lieu of
15 subsistence under subchapter I of chapter 57 of title
16 5, United States Code.

17 (f) MEETINGS.—The Commission shall meet upon
18 the call of the chairperson or a majority of its voting mem-
19 bers.

20 (g) QUORUM.—Six voting members of the Commis-
21 sion shall constitute a quorum, but a lesser number may
22 hold hearings.

23 **SEC. 8. DIRECTOR AND STAFF OF COMMISSION.**

24 (a) DIRECTOR.—

1 (1) IN GENERAL.—Subject to subsection (c)
2 and to the extent provided in advance in appropria-
3 tion Acts, the Commission shall appoint and fix the
4 pay of a director.

5 (2) DUTIES.—The director of the Commission
6 shall be responsible for the administration and co-
7 ordination of the duties of the Commission and shall
8 perform other such duties as the Commission may
9 require.

10 (b) STAFF.—In accordance with rules agreed upon
11 by the Commission, subject to subsection (c), and to the
12 extent provided in advance in appropriation Acts, the di-
13 rector may appoint and fix the pay of additional personnel.

14 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
15 LAWS.—The director and staff of the Commission may be
16 appointed without regard to the provisions of title 5,
17 United States Code, governing appointments in the com-
18 petitive service, and may be paid without regard to the
19 provisions of chapter 51 and subchapter III of chapter 53
20 of that title relating to classification and General Schedule
21 pay rates, except that pay fixed under subsection (a) may
22 not exceed \$150,000 per year and pay fixed under sub-
23 section (b) may not exceed a rate equal to the daily equiva-
24 lent of the annual rate of basic pay for level V of the Exec-

1 utive Schedule under section 5316 of title 5, United States
2 Code.

3 (d) DETAILEES.—Any Federal Government employee
4 may be detailed to the Commission without reimbursement
5 from the Commission, and such detailee shall retain the
6 rights, status, and privileges of their regular employment
7 without interruption.

8 (e) EXPERTS AND CONSULTANTS.—

9 (1) IN GENERAL.—Subject to paragraph (2), in
10 accordance with rules agreed upon by the Commis-
11 sion and to the extent provided in advance in appro-
12 priation Acts, the director may procure the services
13 of experts and consultants under section 3109(b) of
14 title 5, United States Code, but at rates not to ex-
15 ceed the daily equivalent of the annual rate of basic
16 pay for level V of the Executive Schedule under sec-
17 tion 5316 of title 5, United States Code.

18 (2) EXCLUSION OF LOBBYISTS AND AGENTS OF
19 FOREIGN GOVERNMENTS.—In no case may any indi-
20 vidual who is a registered lobbyist or an agent of a
21 foreign government serve as an expert or a consult-
22 ant under this subsection.

23 (f) RESOURCES.—The Commission shall have reason-
24 able access to materials, resources, statistical data, and
25 other information the Commission determines to be nec-

1 essary to carry out its duties from the Commissioner of
2 the Social Security Administration, the Administrator of
3 the Centers for Medicare & Medicaid Services, the Sec-
4 retary of the Treasury, and other agencies and representa-
5 tives of the executive and legislative branches of the Fed-
6 eral Government. The Chairperson shall make requests for
7 such access in writing when necessary.

8 **SEC. 9. POWERS OF COMMISSION.**

9 (a) **HEARINGS AND EVIDENCE.**—The Commission
10 may, for the purpose of carrying out this Act, hold such
11 hearings in addition to the town-hall style public hearings,
12 sit and act at such times and places, take such testimony,
13 and receive such evidence as the Commission considers ap-
14 propriate. The Commission may administer oaths or affir-
15 mations to witnesses appearing before it.

16 (b) **POWERS OF MEMBERS AND AGENTS.**—Any mem-
17 ber or agent of the Commission may, if authorized by the
18 Commission, take any action which the Commission is au-
19 thorized to take under this section.

20 (c) **MAILS.**—The Commission may use the United
21 States mails in the same manner and under the same con-
22 ditions as other departments and agencies of the United
23 States.

24 (d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
25 the request of the Commission, the Administrator of Gen-

1 eral Services shall provide to the Commission, on a reim-
2 bursable basis, the administrative support services nec-
3 essary for the Commission to carry out its responsibilities
4 under this Act.

5 (e) CONTRACT AUTHORITY.—To the extent provided
6 in advance in appropriation Acts, the Commission may
7 enter into contracts to enable the Commission to discharge
8 its duties under this Act.

9 (f) GIFTS.—The Commission may accept, use, and
10 dispose of gifts or donations of services or property.

11 **SEC. 10. TERMINATION.**

12 The Commission shall terminate 60 days after sub-
13 mitting its legislative proposal.

14 **SEC. 11. ALTERNATIVE LEGISLATIVE PROPOSAL OF THE**
15 **PRESIDENT.**

16 The President may, not later than 120 days after the
17 Commission submits its legislative proposal, submit to
18 Congress an alternative to the legislative proposal sub-
19 mitted by the Commission.

20 **SEC. 12. ALTERNATIVE LEGISLATIVE PROPOSAL OF THE**
21 **COMMITTEE ON THE BUDGET.**

22 The Committee on the Budget of either House may,
23 in consultation with the relevant committees of their re-
24 spective House and not later than 120 days after the Com-
25 mission submits its legislative proposal, have published in

1 the Congressional Record an alternative to the legislative
 2 proposal submitted by the Commission.

3 **SEC. 13. CONSIDERATION OF LEGISLATION.**

4 (a) INTRODUCTION.—On the first legislative day
 5 after the Commission submits its legislative proposal, the
 6 Speaker of the House of Representatives and the Majority
 7 Leader of the Senate shall introduce (by request) the legis-
 8 lation submitted by the Commission.

9 (b) IN THE HOUSE OF REPRESENTATIVES.—

10 (1) PRIVILEGED CONSIDERATION.—In the
 11 House of Representatives, if a committee to which
 12 the legislation has been referred has not reported
 13 the legislation before the expiration of the 120-day
 14 period described in section 12, then—

15 (A) that committee shall be discharged
 16 from consideration of the legislation;

17 (B) the legislation shall be placed on the
 18 appropriate calendar; and

19 (C) a motion to proceed to the consider-
 20 ation of the legislation is highly privileged and
 21 is not debatable.

22 (2) AMENDMENTS LIMITED.—

23 (A) IN GENERAL.—Except as provided in
 24 subparagraph (B), an amendment to the legis-

1 lation may not be offered in the House of Rep-
2 resentatives.

3 (B) PERMITTED AMENDMENTS.—(i) Any
4 Member may offer, as an amendment in the na-
5 ture of a substitute, the alternative legislative
6 proposal submitted by the President.

7 (ii) Any Member may offer, as an amend-
8 ment in the nature of a substitute, the legisla-
9 tive proposal submitted by the Commission.

10 (iii) The chairman of the House Com-
11 mittee on the Budget may offer, as an amend-
12 ment in the nature of a substitute, the alter-
13 native legislative proposal published in the Con-
14 gressional Record by the House Committee on
15 the Budget.

16 (C) POINT OF ORDER.—

17 (i) IN GENERAL.—An amendment of-
18 fered under subparagraph (B) is subject to
19 a point of order if—

20 (I) the amendment is not accom-
21 panied by a long-term CBO cost esti-
22 mate of the amendment or a long-
23 term revenue estimate of the amend-
24 ment by the Joint Committee of Tax-
25 ation (including the information de-

1 scribed in paragraph (1) and (2) of
2 section 14(b)); or

3 (II) the long-term CBO cost esti-
4 mate of the amendment is greater
5 than the long-term CBO cost estimate
6 of the legislative proposal submitted
7 by the Commission.

8 (ii) WAIVER OF POINT OF ORDER.—A
9 point of order raised in accordance with
10 clause (i) may only be waived or suspended
11 in the House of Representatives by a reso-
12 lution devoted solely to the subject of
13 waiving that point of order.

14 (D) MULTIPLE AMENDMENTS.—If more
15 than one amendment is offered under this para-
16 graph, then each amendment shall be consid-
17 ered separately, and the amendment receiving
18 both a majority and the highest number of
19 votes shall be the amendment adopted.

20 (3) TRANSMITTAL TO THE SENATE.—If legisla-
21 tion passes the House pursuant to subsection (b),
22 the Clerk of the House of Representatives shall
23 cause the legislation to be engrossed, certified, and
24 transmitted to the Senate within one calendar day of
25 the day on which the legislation is passed. The legis-

1 lation shall be referred to the Senate Committee on
2 the Budget.

3 (c) IN THE SENATE.—

4 (1) AUTOMATIC DISCHARGE OF SENATE BUDG-
5 ET COMMITTEE.—If the Senate Committee on the
6 Budget has not reported the legislation before the
7 expiration of the 120-day period described in section
8 12, then—

9 (A) the committee shall be discharged from
10 consideration of the legislation; and

11 (B) a motion to proceed to the consider-
12 ation of the legislation is highly privileged and
13 is not debatable.

14 (2) CONSIDERATION.—Consideration of such
15 legislation shall be pursuant to the procedures set
16 forth in section 305 of the Congressional Budget Act
17 of 1974.

18 (3) AMENDMENTS LIMITED.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), an amendment to the legis-
21 lation may not be offered in the Senate.

22 (B) PERMITTED AMENDMENTS.—(i) Any
23 Member may offer, as an amendment in the na-
24 ture of a substitute, the alternative legislative
25 proposal submitted by the President.

1 (ii) Any Member may offer, as an amend-
 2 ment in the nature of a substitute, the legisla-
 3 tive proposal submitted by the Commission.

4 (iii) The chairman of the Senate Com-
 5 mittee on the Budget may offer, as an amend-
 6 ment in the nature of a substitute, the alter-
 7 native legislative proposal published in the Con-
 8 gressional Record by the Senate Committee on
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 12 fered under subparagraph (B) is subject to
 13 a point of order if—

14 (I) the amendment is not accom-
 15 panied by a long-term CBO cost esti-
 16 mate of the amendment or a long-
 17 term revenue estimate of the amend-
 18 ment by the Joint Committee of Tax-
 19 ation (including the information de-
 20 scribed in paragraph (1) and (2) of
 21 section 14(b)); or

22 (II) the long-term CBO cost esti-
 23 mate of the amendment is greater
 24 than the long-term CBO cost estimate

1 of the legislative proposal submitted
2 by the Commission.

3 (ii) WAIVER OF POINT OF ORDER.—A
4 point of order raised in accordance with
5 clause (i) may only be waived or suspended
6 in the Senate by an affirmative vote of $\frac{3}{5}$
7 of the Members duly chosen and sworn.

8 (D) MULTIPLE AMENDMENTS.—If more
9 than one amendment is offered under this para-
10 graph, then each amendment shall be consid-
11 ered separately, and the amendment receiving
12 both a majority and the highest number of
13 votes shall be the amendment adopted.

14 (d) APPLICATION OF CONGRESSIONAL BUDGET
15 ACT.—To the extent that they are relevant and not incon-
16 sistent with this Act, the provisions of title III of the Con-
17 gressional Budget Act of 1974 shall apply in the House
18 of Representatives and the Senate to legislation considered
19 under this section.

20 (e) RULES OF THE SENATE AND THE HOUSE OF
21 REPRESENTATIVES.—This section is enacted by Con-
22 gress—

23 (1) as an exercise of the rulemaking power of
24 the Senate and the House of Representatives, re-
25 spectively, and is deemed to be part of the rules of

1 each House, respectively, but applicable only with re-
 2 spect to the procedure to be followed in that House
 3 in the case of a bill introduced pursuant to this sec-
 4 tion, and it supersedes other rules only to the extent
 5 that it is inconsistent with such rules; and

6 (2) with full recognition of the constitutional
 7 right of either House to change the rules (so far as
 8 they relate to the procedure of that House) at any
 9 time, in the same manner, and to the same extent
 10 as in the case of any other rule of that House.

11 **SEC. 14. LONG-TERM CBO COST ESTIMATE.**

12 (a) PREPARATION AND SUBMISSION.—When the
 13 Commission, the President, or the chairman of the Com-
 14 mittee on the Budget of either House submits a written
 15 request to the Director of the Congressional Budget Office
 16 for a long-term cost estimate by the Congressional Budget
 17 Office (referred to in this Act as a “long-term CBO cost
 18 estimate”) of legislation proposed under this Act or an
 19 amendment referred to in section 13(b)(2)(B), the Direc-
 20 tor shall prepare the estimate and have it published in the
 21 Congressional Record as expeditiously as possible.

22 (b) CONTENT.—A long-term CBO cost estimate shall
 23 include—

24 (1) an estimate of the cost of each provision of
 25 the legislation or amendment for the first fiscal year

1 it would take effect and for each of the 50 fiscal
2 years thereafter; and

3 (2) a statement of any estimated future costs
4 not reflected by the estimate described in paragraph
5 (1).

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